

REMARKS

This Application has been carefully reviewed in light of the Official Action issued June 28, 2007. Claims 1-30 are pending in this Application. In order to advance prosecution of this Application, Claims 1, 11, 16, 21, and 26 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 1-6, 10-18, 20, and 26-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gilbert. Independent Claims 1, 11, 16, and 26 recite in general an ability to determine pauses in encoded information of a packet flow, fragment a packet in the packet flow into two or more fragmented packets, and adjust fragmentation of packets in the packet flow in response to the encoded information including a pause. By contrast, the Gilbert patent merely discloses removing or replicating silence samples from or to a data packet. Thus, the Gilbert patent does not disclose any capability to fragment a packet into two or more fragmented packets let alone adjust fragmentation of packets as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 1-6, 10-18, 20, and 26-30 are not anticipated by the Gilbert patent.

Claims 9 and 21-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gilbert in view of Limb, et al. Independent Claim 1, from which Claim 9 depends, has been shown above to be patentably distinct from the Gilbert patent. Independent Claim 21 includes similar features found in Independent Claims 1, 11, 16, and 26 shown above to be patentably distinct from the Gilbert patent. Moreover, the Limb, et al. patent does not include any additional disclosure combinable with the Gilbert patent that would be material to patentability of these claims. Therefore, Applicant

respectfully submits that Claims 9 and 21-25 are patentably distinct from the proposed Gilbert - Limb, et al. combination.

Applicant notes with appreciation the allowance of Claims 7, 8, and 19.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephonic conference is needed to clear up matters addressed herein, the undersigned attorney stands ready to discuss this Application at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any other fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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